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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 APR -1 AM 11:00

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| **UNITED STATES OF AMERICA,** Plaintiff, | Magistrate Docket No. '08 MJ 0988 |
| v. | **COMPLAINT FOR VIOLATION OF:** |
| **Fausto ARAMBULA-Contreras,** Defendant | Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **March 28, 2008** within the Southern District of California, defendant, **Fausto ARAMBULA-Contreras,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **APRIL 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Fausto ARAMBULA-Contreras**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On March 28, 2008 at approximately 12:20 A.M., National Guard, scope operator informed agents in the area that they had a visual of four subjects running north from the United States/Mexico Border towards an area known as "Fantasy Island". This area is approximately one and a half mile west of the San Ysidro, California Port of Entry and approximately thirty yards north of the United States/Mexico International Boundary Fence. Border Patrol Agent P. Shepard responded to the area north of the subject's position. Agent Shepard positioned himself at the north end of Fantasy Island and waited for the subjects to approach his position. After a brief wait, Agent Shepard observed eight individuals walking north towards his position. Agent Shepard identified himself as a Border Patrol Agent and one of the subjects, who was significantly in front of the group immediately ran eastbound away from the agents' position. Agent Shepard immediately gave chase and after a brief chase was able to catch the subject and detain him.

Agent Shepard again identified himself as a Border Patrol Agent and conducted an immigration inspection. The subjects, including one later identified as the defendant **Fausto ARAMBULA-Contreras** freely admitted to being a citizens and nationals of Mexico without having any immigration documents allowing them to be or remain in the United States legally. All the subjects were arrested at approximately 12:50 A.M. and were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 11, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico without having any immigration documents that would allow him to be or remain in the United States legally. The defendant stated that he heading to Los Angeles, California to look for work.

**Executed on March 29, 2008 at 9:00 a.m.**

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 28, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Anthony J. Battaglia
United States Magistrate Judge

3/29/08 9:40 AM
Date/Time